

#5 - Reg for Refund  
8-22-02Practitioner's Docket No. 60,126-196

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Duerr

Application No.: 10 / 053,455

Group No. 3752

Filed: October 25, 2001

Examiner: Unknown

For: Powder Bell Purge Tube

☐ Patent No.: \_\_\_\_\_

Issued: \_\_\_\_\_

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

## REQUEST FOR REFUND

(37 C.F.R. § 1.28(a))

NOTE: 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

☒ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

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## TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Tracy L. Smith  
Signature

Date: April 10, 2002Tracy L. Smith

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## I. SUBMISSION OF SMALL ENTITY ASSERTION

(complete (a) or (b))

- (a) ☐ Attached is an assertion of small entity status in this application.
- (b) ☐ An assertion of small entity status was filed in this application on \_\_\_\_\_

## II. REFUND REQUEST

NOTE: 37 C.F.R. § 1.28(b)(1): "(b) Date of payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid. . ."

This request for refund is made within three months of the date the full fee was paid in this application on October 25, 2001, in the amount of \$ 740.00\*  
charged

NOTE: If the fee was ~~charged~~ to a deposit account, a request for refund must be filed within two months of the date of the change to the deposit account.

\*Deposit Account was charged an additional \$196.00 on January 28, 2002.

## III. FEE PAID FOR WHICH REFUND REQUESTED

### AMOUNT OF REFUND REQUESTED

☒ Filing fee \$ 196.00

☐ Surcharge for filing the basic filing fee on a date later than the filing date of the application  
(37 C.F.R. § 1.16(e) or 37 C.F.R. § 1.16(l)). \$ \_\_\_\_\_

or

☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application  
(37 C.F.R. § 1.16(e)) \$ \_\_\_\_\_

☐ Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application  
(37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$ \_\_\_\_\_

or

☐ Surcharge for filing the cover sheet on a date later than the filing date of the provisional application  
(37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$ \_\_\_\_\_

☐ Extension of term \$ \_\_\_\_\_

☐ Issue fee \$ \_\_\_\_\_

☐ Patent maintenance fee

☐ first maintenance fee \$ \_\_\_\_\_

☐ second maintenance fee \$ \_\_\_\_\_

☐ third maintenance fee \$ \_\_\_\_\_

☐ Patent maintenance fee surcharge.

NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.

☐ Other \$ \_\_\_\_\_

**TOTAL REFUND REQUESTED** \$ 196.00

NOTE: It was impossible to request a refund within the three-month time period because our deposit account was charged the additional \$196.00 on January 28, 2001 and the initial filing fee was paid on October 25, 2001.

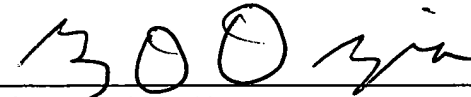
#### IV. MANNER OF REFUND

Please make refund by crediting:

- ☒ Deposit Account No. 08-2789
- ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should *not* be included on this form as it may become public.

- ☐ refunding overpayment.



Signature of Practitioner

Reg. No.: 48,944

Gregory D. DeGrazia

(type or print name of practitioner)

Tel. No.: (248) 723.0325

The Pinehurst Office Center, Suite 101  
39400 Woodward Avenue

P.O. Address

Customer No.: 27305

Bloomfield Hills, MI 48304-5151

## **NOTES TO FORM 7-9**

### **REQUEST FOR REFUND ON FILING SMALL ENTITY STATEMENT**

The third paragraph of the **Notice of January 20, 1983** (1027 T.M.O.G. 114) states:

“Request for refunds, along with the verified statements, should be addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231, and directed to the attention of the Refund Section, Accounting Division, Office of Finance.”



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and  
return top portion with your check. Make check  
payable to Commissioner of Patents & Trademarks.

HOWARD & HOWARD ATTORNEYS, PC  
ATTN: D. JO BANKS  
39400 WOODWARD AVE., STE.101

BLOOMFIELD HILLS MI 48304-5151



Account No.	082789
Date	1-31-02
Page	1

PLEASE SEND REMITTANCES TO:  
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P.O. Box 70541  
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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
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1	7	02	66	10034581	68,030-058	101	740.00	19694.0
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1	14	02	3	60152-85409036752	60,174-014	116	290.00	18507.0
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1	24	02	10	10027717	68,143-009	103	72.00	18080.0
1	28	02	429	10053455	60126-196	104	280.00	17800.0
ENTERED FEB 27 2002								
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.				OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE	
				20459.00	2659.00	0.00	17800.00	